

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

Case number 05-80897  
Honorable Julian Abele Cook, Jr.

Myron Larese Hooker,

Defendant.

ORDER

On June 26, 2006, the *pro se* Defendant, Myron Larese Hooker (“Hooker”),<sup>1</sup> filed a pleading, “Affidavit of Counter-Complaint,” in which he requested (1) a dismissal of all criminal charges against him, and (2) an award of “civil damages” arising out of perceived constitutional infringements against him by United States governmental representatives. In addition, he, through his “Counter-Complaint,” complains of a conspiracy against him by Assistant United States Attorney, Karen L. Reynolds, and Magistrate Judges Mona Majzoub and Paul J. Komives.

As is evident from a reading of the caption in this case, Hooker is a defendant in this

---

<sup>1</sup>The Court has repeatedly urged Hooker to seek the services of an attorney who would be able to assist him in this criminal case. Unfortunately, he has consistently rejected these overtures by the Court, expressing his preference to represent himself. With recognition that Hooker, as an accused person, possesses the right to represent his interests in this judicial proceeding, the Court appointed Seymour Berger, an experienced lawyer within the Eastern District of Michigan, to serve as a “stand by counsel.” On information and belief, Hooker has refused to acknowledge the existence of any formal relationship with his “stand by counsel.”

criminal litigation. After examining the substantive content of his Affidavit, the Court has construed this document as a “motion” which should be filed in connection with a civil litigation. Therefore, in order for Hooker to proceed with his “motion,” he must initiate a civil action against those persons whom he believes to be responsible for the alleged wrongs that have been imposed upon him.

According to the laws of the United States, a civil action is commenced by the filing of a complaint with a court of competent jurisdiction. Fed.R.Civ.P.3. Therefore, it follows that, should Hooker wish to commence a civil action, he must file a separate and independent complaint before these allegations of conspiracy - if properly pled - can be considered and evaluated.

Accordingly, the Court (1) directs the Clerk of the Court to strike Hooker’s “Affidavit of a Counter-Complaint” from the record as it is procedurally deficient, and (2) determines that this “motion” must be, and is, denied.

IT IS SO ORDERED.

Dated: July 18, 2006  
Detroit, Michigan

s/ Julian Abele Cook, Jr.  
JULIAN ABELE COOK, JR.  
United States District Court Judge

Certificate of Service

I hereby certify that on July 18, 2006, I electronically filed the foregoing with the Clerk of the Court using the ECF system, and I further certify that I mailed a copy to the non-ECF participant(s).

s/ Kay Alford  
Courtroom Deputy Clerk